

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

In RE:

PHILLIP RAY HARDIMAN

Case No. 12-11592

Chapter 13

Debtors.

**OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGES FILED BY
WELLS FARGO BANK, NA ON JUNE 5, 2013 AND SEPTEMBER, 3, 2013,
APPLICATION FOR ATTORNEY COMPENSATION AND NOTICE OF
OPPORTUNITY OF HEARING**

COMES NOW PHILLIP RAY HARDIMAN, the above named debtor, by and through his attorney, PHILIP A. HURTT, and files this Objection to Notice of Mortgage Payment Changes filed by WELLS FARGO BANK, NA., on June, 5, 2013 in the amount of \$3,698.76 and September 3, 2013 in the amount of \$1,580.19. The debtor has examined the escrow shortage claim of creditor, WELLS FARGO BANK, NA., in the amount of \$3,259.03 for the following reason:

1. The Debtor is paying his homeowner's insurance not Wells Fargo, NA as indicated in the Notice of Mortgage Payment Change. The debtor provided the Declaration pages to the attorneys for Wells Fargo, NA on June 13, 2013 showing that he was paying for Homeowner's insurance and therefore should not be penalized by being charged for Force Placed Hazard Insurance that benefits only the Mortgage company.
2. If the mortgage and interest payments are \$767.98 and the Debtor estimates his property taxes could be \$2,400.00, although high since his 2012 property taxes were only \$2,001.77, he is willing to make his escrow account \$200.00 a month thereby making his monthly mortgage payment

\$967.98 starting with his September, 2013 payment.

3. That Counsel for the Debtor be awarded \$500.00 for the Objection to the Notice of Mortgage Payment Change filed by Wells Fargo Bank, NA.

WHEREFORE, Debtor prays that this Court deny WELLS FARGO BANK, NA.'s Notice of Mortgage Payment Changes in the amount of \$3,698.76 and \$1,580.19 and instead make the new mortgage payment \$967.98, and that Wells Fargo, NA pay Debtors' Counsel, Philip A. Hurtt \$500.00 in attorney compensation for the filing of this objection.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 21 days from the date of filing of this request for relief. You should also serve a file stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 24 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

Respectfully submitted by:

/s/Philip A. Hurtt
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Attorney for the Debtors

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September, 2013, a true and correct copy of the Objection to Proof of Claim 17-1; WELLS FARGO BANK, NA. was electronically served using the CM/ECF system, namely:

John T. Hardeman, Chapter 13 Trustee and the U.S. Trustee.

I further certify that on the 9th day of September, 2013 a true and correct copy of the above and foregoing Objection to Proof of Claim 17-1; WELLS FARGO BANK, NA. was mailed by First class mail, postage prepaid to WELLS FARGO BANK, NA., Attn: Bankruptcy Department, MAC # D3347-014, 3476 Stateview Blvd, Fort Mill, SC 29715

/s/Philip A. Hurtt

Philip A. Hurtt